

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 25, 1998

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Dunn, J. (Assigned), and
V. Salas, Deputy Clerk.

B110100 People
 v.
 Hunter

Merits:

Argued by Walter L. Gordon, III, for appellant and by David C. Cook,
Deputy Attorney General for respondent. Cause submitted.

B108293 People
 v.
 Lowrie

Merits:

Argued by Shauna Weeks for appellant and argument having been waived
by respondent. The parties waive the presence of Justice Masterson. Cause
submitted.

B112577 People
 v.
 Johnson

Merits:

Argued by Sheila Keiter for appellant and by Martin L Pitha for respondent.
Cause submitted.

DIVISION ONE (Continued)

B108735 People
 v.
 Ely

Merits:

Argued by Maxine Weksler for appellant and by Ana R. Duarte, Deputy Attorney General for respondent. The parties waive the presence of Justice Masterson. Cause submitted.

B107707 People
 v.
 Baez

Merits:

Argued by David D. Carico for appellant and by Corey J. Robins, Deputy Attorney General, for respondent. Cause submitted.

B111111 People
 v.
 James

Merits:

Argued by Jonathan Milberg for appellant and by Noah Hill, Deputy Attorney General, for respondent. Counsel for appellant permitted to submit a letter brief due in 7 days, People to respond 7 days thereafter, the matter to be submitted upon filing of last letter brief.

B116680 Trancas Property Owners Assoc.
 v.
 City of Malibu et al.

Merits:

Argued by Stephen L. Jones for appellant, Clara Slifkin, Deputy Attorney General, for respondent Coastal Commission, Glen M. Reiser, for respondent Lunita Pacific and Steve Kaufman, Deputy City Attorney, for respondent City of Malibu. Cause submitted.

DIVISION ONE (Continued)

B112363 People
 v.
 Robles

Merits:

Argued by Brent Riggs, Deputy District Attorney, for appellant and by Paula Montez, Deputy City Attorney, for respondent. Cause submitted.

B109109 People
 v.
 Smith

Merits:

Argued by Gregory L. Rickard for appellant and by Michael A. Katz, Deputy Attorney General, for respondent. Cause submitted.

B107022 People
 v.
 Bayardo

Merits:

Argued by Sung B. Park for appellant and by Stephanie A. Miyoshi, Deputy Attorney General, for respondent. Cause submitted.

B110225 Varillas
 v.
 Espinoza

Merits:

Argued by Kristine L. Olsen for appellant and by Joseph R. Zamora for respondent. Cause submitted.

DIVISION ONE (Continued)

B110797 Chandler
 v.
 Calif. State University Northridge et al.

Merits:
Argued by Cynthia L. Fisk for appellant and by Laura D. Knapp for
respondents. Cause submitted.

Justice Vogel leaves the bench.

B102831 Lo et al.
 v.
 Sabiers

Merits:
Argued by Joseph L. Shalant for appellants and by Lyn A. Woodward for
respondent. Cause submitted.

Presiding Justice Spencer leaves the bench.

B092276 McNicholas
 v.
 Los Angeles Police Commission

Merits:
Argued by Larry J. Roberts for appellant and by Greg Wedner for
respondent. The parties waive the presence of Justice Masterson. Cause
submitted.

The court adjourned.

DIVISION ONE (Continued)

B100699 Stanley, et al. (Not for Publication)
 v.
 Lockheed, et al.

The judgment is affirmed as to the City of Los Angeles and as to each of the City employees including the city attorney. The judgment is reversed as to each of the other respondents. The case is remanded with each of appellants' two causes of action reinstated.
Appellants are to recover costs.

Dunn, J. (Assigned)

We concur: Spencer, P.J.
 Ortega, J.

DIVISION TWO

B114838 People (Not for Publication)
 v.
 Bennett

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

B110862 Metropolitan Culinary Services (Certified for Publication)
 v.
 County of Los Angeles

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

February 25, 1998-Continued

DIVISION TWO (Continued)

B108620 People (Not for Publication)
v.
Epps

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

DIVISION THREE

B096171 Industrial Indemnity Co. etc. (Not for Publication)
v.
JED Enterprises, Inc. etc.

The judgment as to Munley is reversed. Costs on appeal are awarded to Industrial Indemnity.

Aldrich, J.

I concur: Croskey, Acting P.J.
I dissent: Kitching, J. (Opinion)

B107733 Don Victor Harbolt (Not for Publication)
v.
Rhone-Poulenc Rorer, Incorp.

The judgment (of dismissal) is affirmed. Each side to bear its own costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B091436 Nagwa Sadek, et al. (Not for Publication)

v.
Sorrento Biochemical, Inc. et al.

The judgments granted in favor of Westco, Atlas, and Sorrento are affirmed. Westco, Atlas, and Sorrento are awarded costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION FOUR

B102340 Marquay (Not for Publication)

v.
Kornfeld et al.

The orders of dismissal are reversed, and the trial court is directed to overrule the demurrers to the second amended complaint. Costs on appeal are awarded to appellant.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Baron, J.

B115924 Barroga (Not for Publication)

v.
Gillan et al.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Baron, J.

DIVISION FOUR (Continued)

B117369 Sandberg (Not for Publication)
v.
Superior Court of Los Angeles County
Kretschmer et al.

The temporary stay order is vacated and the petition for writ of mandate is denied. Real parties to recover costs on appeal.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B113098 Holquin et al. (Not for Publication)
v.
City of South El Monte
Otaky

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Baron, J.
Czuleger, J. (Assigned)

B113626 In re Barfoof (Certified for Publication)
on
Habeas Corpus

The order to show cause is discharged. The petition for a writ of habeas corpus is granted. Petitioner is remanded to the custody of the Superior Court of Los Angeles County with directions to that court to vacate its order of May 21, 1997, to issue an order to show cause, and to proceed in accord with the views expressed herein.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Baron, J.

February 25, 1998-Continued

DIVISION FOUR (Continued)

B102769 People (Not for Publication)
v.
Mercado & Perez

The judgments are affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Czuleger, J. (Assigned)

B115101 Department of Children & Family Services (Not for Publication)
v.
Leticia L.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Baron, J.
Czuleger, J. (Assigned)

B107435 People (Not for Publication)
v.
Harris

The judgment is affirmed.

Baron, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

February 25, 1998-Continued

DIVISION FOUR (Continued)

B106129 People (Not for Publication)
v.
Smith

The judgment is affirmed.

Baron, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B112099 Department of Children & Family Services (Not for Publication)
v.
Warren W.

There being no order from which an appeal may be taken, we dismiss this appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B113077 People (Not for Publication)
v.
Garibaldi

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Baron, J.

DIVISION FIVE

B099083 David Drury (Not for Publication)

v.

City of South Gate et al.

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B109366 Los Angeles County, D.C.S. (Not for Publication)

v.

Jimmie S.

The judgment is affirmed.

Grignon, Acting P.J.

I concur: Jackson, J. (Assigned)
I dissent: Armstrong, J. (Opinion)

B102331 People (Not for Publication)

v.

Carlos Flores et al.

The judgments are affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

DIVISION SEVEN

B110115 People (Not for Publication)
v.
de la Torre

The judgment of conviction is affirmed. The sentence is vacated, and the cause remanded for resentencing consistent with this opinion.

Neal, J.

I concur: Lillie, P.J.

I concur and dissent: Woods, J. (Opinion)